REMARKS

In the Final Office Action, the Examiner rejected claims 1-3, 7-10, 16-19, 21-22, and 24-28. By this Response, Applicants cancel claims 1-3, 7-10, 16-19, 21-22, and 24-28 and add new claims 29-48. Currently, claims 29-48 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and following remarks, Applicants respectfully request allowance of all pending claims.

Applicants respectfully assert that newly added claims 29-48 are allowable over the cited references. In the Final Office Action mailed May 19, 2006, the Examiner cited U.S. Patent No. 6,826,594 (the Pettersen reference), U.S. Patent No. 6,021,437 (the Chen reference), and U.S. Patent No. 6,865,716 (the Thurston reference). However, these references, taken alone or in hypothetical combination, do not teach or suggest all of the features of the present claims, there is no reason to combine these references, and the references teach away from their combination, as explained below.

Features Recited by the Present Claims that Are Not Present in the Cited References

Independent claim 29 recites "populating the object file in real-time with data from a management module of the managed server after ... serving the web page." In contrast, the references cited by the Examiner, taken alone or in hypothetical combination, do not teach or suggest this step, *inter alia*. The Pettersen reference teaches retrieving advertisements from a smart zone content database, not data from a management module. *See e.g.*, Pettersen, col. 7, ll. 11-13; col. 8, ll. 37-42; and col. 10, ll. 35-46. Moreover, because it does not teach populating an object file with data from a management module, the Pettersen reference clearly does not teach populating an object file with data from a management module after serving a web page. The Chen reference teaches intelligent agents that fully construct a web page on a server before serving the web page. *See* Chen, col. 3, ll. 31-32. Thus, because the web page is fully constructed on the server side, the Chen reference does not teach or suggest populating an object file

after serving the web page. Similarly, the Thurston reference discloses populating an HTML document with locale specific text before serving the HTML document. *See* Thurston, Fig. 3. Thus, the cited references, taken alone or in hypothetical combination, do not teach or suggest all the steps of independent claim 29.

Independent claim 37 recites "requesting data corresponding to the first embedded object from the managed server after receiving the frame from the managed server." In contrast, the Pettersen reference teaches a remote content management system in which a web site and advertisements to be inserted into the web site are requested from different servers. *See* Pettersen, col. 6, ll. 8-21, and Fig. 11. Thus, even if, *ad arguendo*, the web server 791 for the affiliate site 190 is a managed server, the advertisements are provided by another web server 781 associated with the advertisements, and any requests for the advertisements are not from the server 791 that provides the web site. *See id* at col. 7, ll. 5-15. Moreover, because the web site and inserted data are not requested from the same server, the Pettersen reference clearly does not teach requesting this data after receiving a frame from a managed server. Further, as noted above, both the Chen reference and the Thurston reference teach web pages that are received by the client in their entirety, i.e., these web pages do not prompt a client computer to request additional data after receipt of the web pages. Thus, the cited references, taken alone or in hypothetical combination, do not teach or suggest all the steps of independent claim 37.

Independent claim 46 recites a "first embedded object [that] is executable on a client remote from the server to request the dynamic data." (Emphasis added.) In contrast, the Pettersen reference teaches retrieving static, pre-stored advertisements and inserting the static advertisements in a web page dynamically. *See e.g.*, Pettersen, col. 7, ll. 11-13; col. 8, ll. 37-42; and col. 10, ll. 35-46. The advertisements are stored in a smart zone content database 785 (*Id.* at col. 7, ll. 11-13) and dynamically inserted into a web page (*See id.* at col. 7, ll. 6-8) when the web page is displayed. However, the advertisements do not change, i.e., the advertisement data is static. *See id.* at col. 7, ll.

52-59. Indeed, the only disclosed method of changing the advertisements in the database 785 is manually editing the list of advertisements. *See id.* Thus, the Pettersen reference does not teach or suggest an embedded object that is executable to request <u>dynamic data</u>. Further, as noted above, both the Chen reference and the Thurston reference teach web pages that <u>do not</u> prompt a client computer to request additional data. Therefore, because these web pages do not request additional data, they clearly do not include embedded objects that are executable on a client to request dynamic data. Accordingly, the cited references, taken alone or in hypothetical combination, do not teach or suggest all of the features recited by independent claim 46.

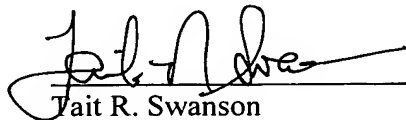### *Improper Combination - Lack of Objective Evidence of Reasons to Modify/Combine*

In addition, the Examiner has not shown the requisite motivation or suggestion to modify or combine the cited references to reach the present claims. The Examiner must provide <u>objective evidence</u>, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). In the present rejection, the Examiner combined the Pettersen and Chen references based on the *conclusory and subjective statement* that it would have been obvious "for the dynamic data of Pettersen to have been created in real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data column 2, lines 31-38)." Final Office Action Mailed on May 19, 2006, page 3. However, the Chen reference already teaches a technique for constructing a web page with the server data, and Examiner has not provided any evidence to indicate why one of ordinary skill in the art would find the technique taught by Chen inadequate and replace it with the process for forming a web page taught by Pettersen. Accordingly, Applicants respectfully request the Examiner to produce *objective evidence* of the requisite motivation or suggestion to combine the cited references, or remove the foregoing rejection under 35 U.S.C. § 103.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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